

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

JESUS JAVIER LOPEZ HERNANDEZ

DEBTOR

CASE NO 12-08521 BKT

CHAPTER 13

**DEBTOR'S REPLY TO TRUSTEE'S MOTION TO DISMISS
FOR FAILURE TO DELIVER TAX REFUNDS
DOCKET NO. 20**

TO THE HONORABLE COURT:

COMES NOW, JESUS JAVIER LOPEZ HERNANDEZ, debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. The Chapter 13 Trustee filed a *Trustee's Motion to Dismiss for Failure to Deliver Tax Refunds*, docket no. 20, basically stating that the Trustee had not received the "tax refunds" provided for in debtor's confirmed Plan, specifically for the years 2012, 2013, 2014 and 2015, as of the date of the motion for dismissal.
2. In reply to the Trustee's motion for dismissal for failure to deliver tax refunds, the debtor respectfully states that the tax return for the year 2015 reflects that the debtor did not receive a tax refund(s) for said year.
3. However, the debtor did receive tax refunds for the years 2012 (\$855), 2013 (\$1,552), and 2014 (\$3,236). The debtor respectfully states that he forgot to deliver the same to the Chapter 13 Trustee in order to increase the debtor's confirmed Plan base, as provided for in said Plan.
4. On this same date, November 22, 2016, the debtor is delivering (upload) to the Chapter 13 Trustee a copy of the 2012, 2013, 2014 and 2015 tax returns, in order to evidence the aforesated.

Page - 2-

Debtor's Reply to Trustee's Motion to Dismiss
Case no. 12-08521

5. The debtor is up-to-date in the confirmed Plan payments to the Chapter 13 Trustee, having made forty-nine (49) payments of \$300.00 (49/49), for a total paid-in of \$14,700.00, which funds are/were distributed to the general unsecured claims (there are no listed secured creditors and no secured claims, in the present case).

6. The debtor proposes to cure his involuntary omission of failing to deliver to the Trustee the aforestated tax refunds, by filing a modified Plan under 11 USC 1329, in order **to increase the Plan base to pay in full (100%) all general unsecured claims**, in the above captioned case. This Plan modification and a new budget (debtor's actual income and expenses/ Schedules I & J), to be filed within the next fourteen (14) days.

7. The debtor respectfully requests that for the above stated reasons, the Trustee's motion for dismissal, docket entry #20, be denied.

WHEREFORE, based on the above stated, the debtor respectfully prays that Trustee's motion requesting dismissal, docket no. 20, be denied.

I HEREBY CERTIFY that on this same date a copy of this notice was sent via electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the Chapter 13 Trustee Alejandro Oliveras Rivera, Esq.; and also certify that I have mailed by United States Postal Service copy of this motion to the following non-participant: debtor, Jesus Javier Lopez Hernandez, Idamaris Gardens B 25 Angelino Fuentes Street Caguas PR 00725, in the above captioned case.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 22nd day of November, 2016.

/s/ Roberto Figueroa Carrasquillo USDC #203614
RFIGUEROA CARRASQUILLO LAW OFFICE PSC
ATTORNEY FOR DEBTOR
PO BOX 186 CAGUAS PR 00726-0816
TEL 787-744-7699FAX 787-746-5294
EMAIL: rfigueroa@rfclawpr.com